
DMC - What Works Maryland GOCCP October 3, 2012

Judge Brian Huff
Jefferson County Family Court
Birmingham, Alabama

Zero Tolerance

EQUALS

Zero Intelligence

EFFECTS OF ZERO TOLERANCE

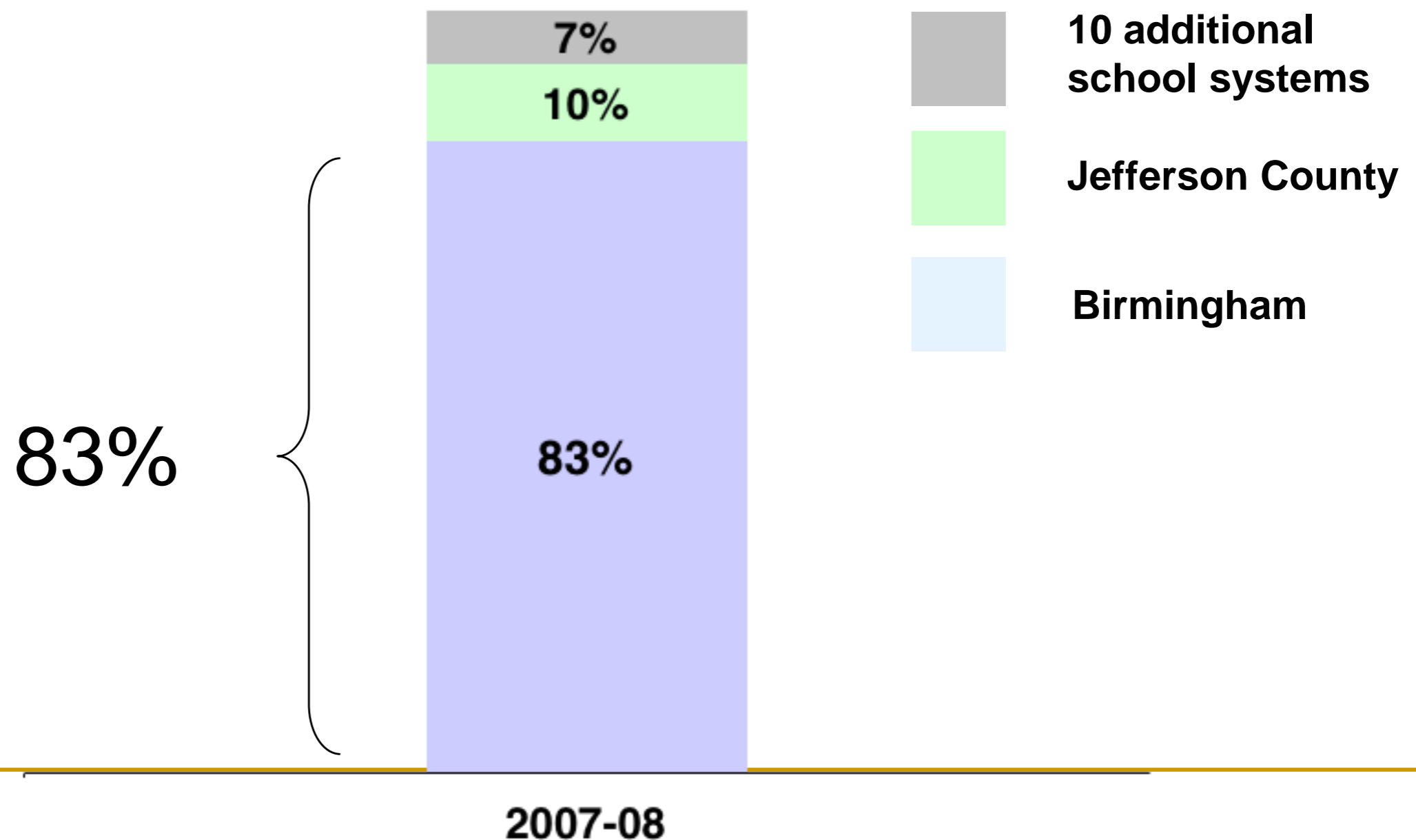
- ⑩ Suspension rates have increased
 - ⑩ School Code violations result in court referrals
 - ⑩ Increase in police on school campus
 - ⑩ Increase in suspensions and referrals has significantly increased racial & ethnic disparities
 - ⑩ Drop-out rates increase
 - ⑩ Juvenile crime increases (if you criminalize childish behavior, children become criminals)
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CONSEQUENCES:

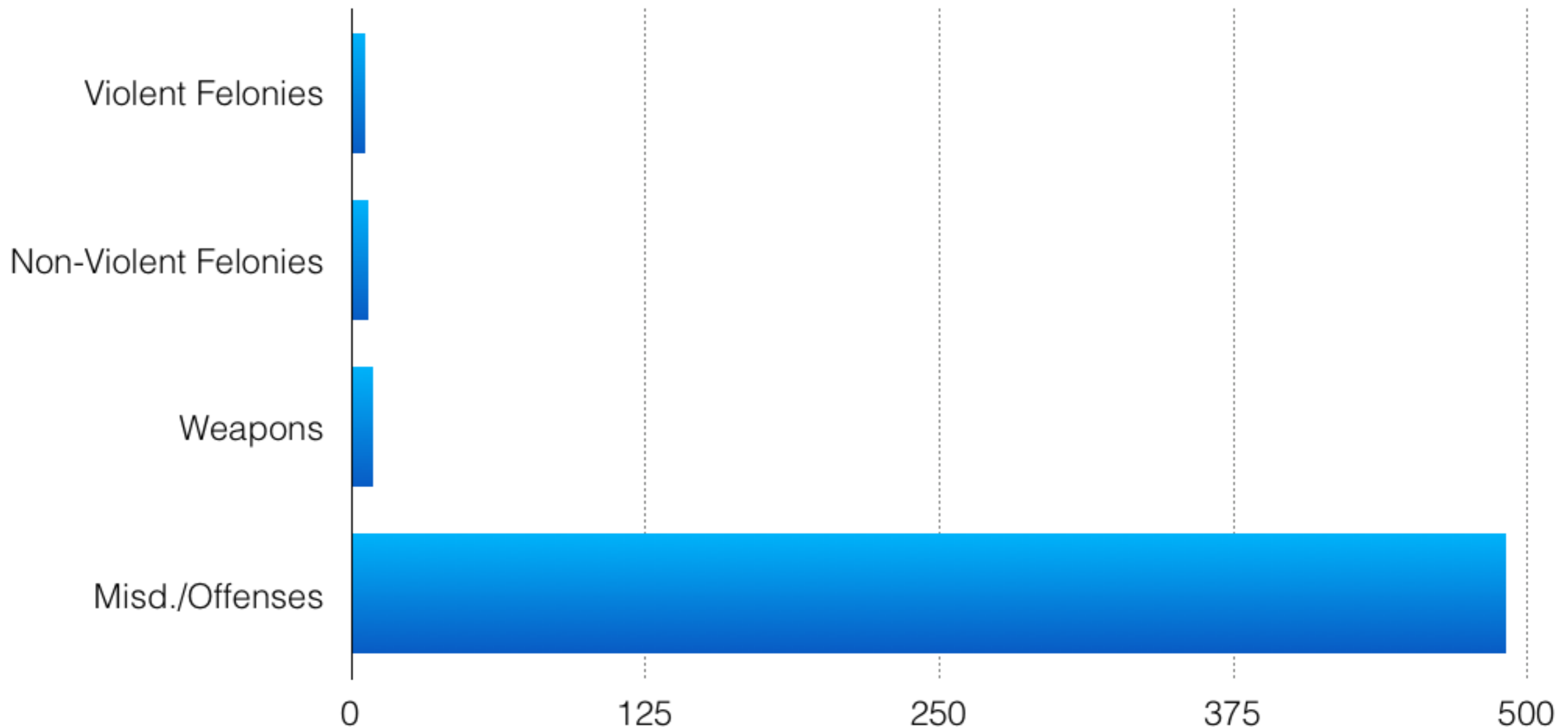
- ⑩ **United States** has the highest rate of incarceration of any country on earth.
- ⑩ Too many children were being referred to the juvenile justice system.
- ⑩ Most children were being referred for minor misdemeanor offenses.
- ⑩ Most children being referred were African American.
- ⑩ Incarceration is an **EXPENSIVE** response to minor offenses.

Birmingham educated only 25% of the county's public school students, but accounted for 83% of school referrals in 2007-2008

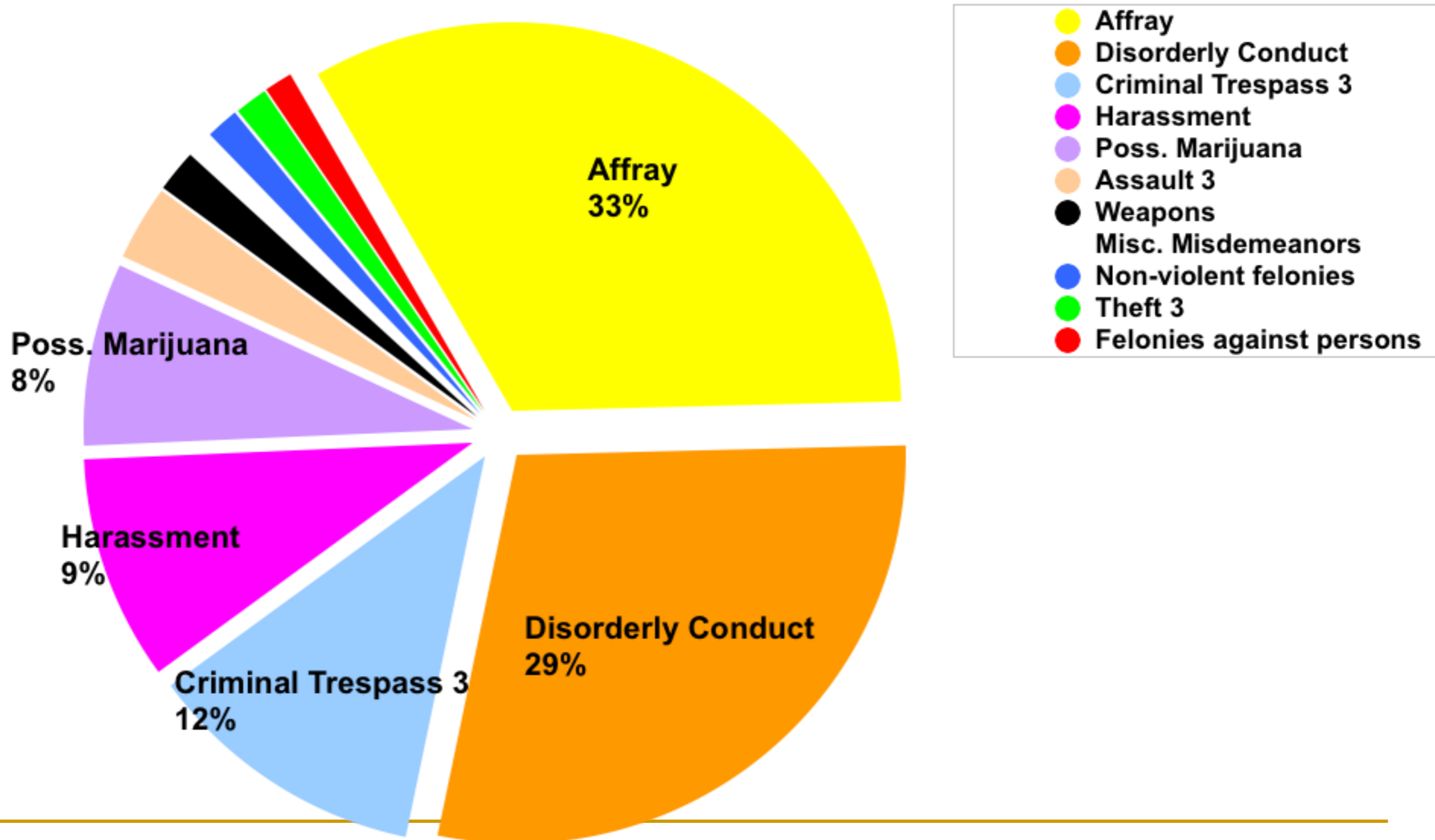
**SCHOOL REFERRALS TO JEFFERSON COUNTY FAMILY COURT,
2007-08 SCHOOL YEAR**



Birmingham students referred to family court in 2007/08 – by offense

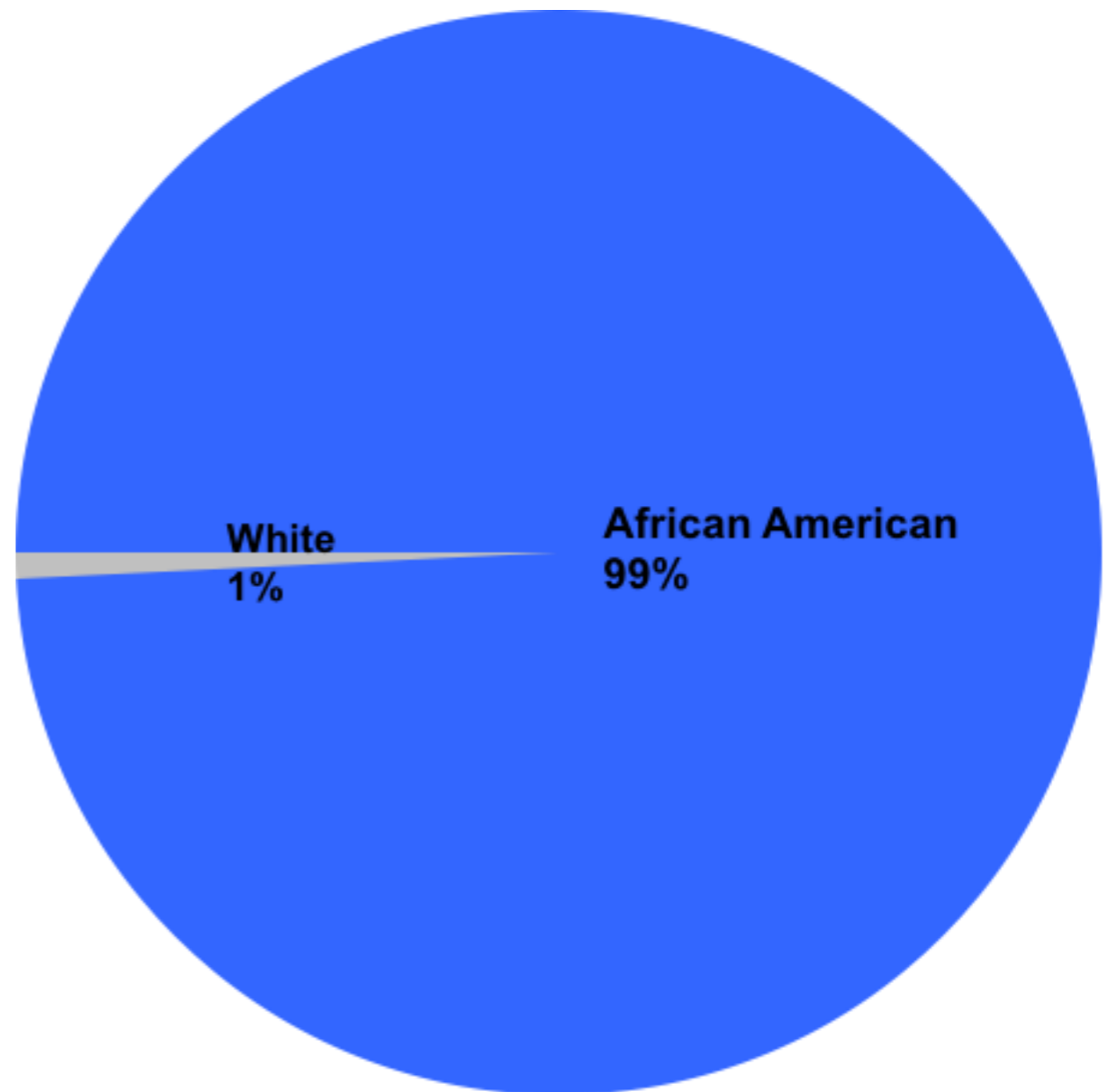


Birmingham students referred to family court in 2007/08 – by offense



Added to the disproportionate minority contact with the juvenile justice system.....

- ⑩ The Birmingham system educates only 25% of students in the county, but produces more than 66% of school referrals to Family Court
- ⑩ 99% of students arrested in the Birmingham schools are African American



ALLEGORY OF THE SCHOOL

BY OFFICER ROBERT GARDNER

Clayton County Police

LAMBS

SHEEP

WOLVES

THE SCHOOL

Normal Adolescence

- ⑩ Trying to fit in
 - ⑩ Dating
 - ⑩ Short attention span
 - ⑩ Identity
 - ⑩ Some adult responsibilities
 - ⑩ Independence/Dependence
 - ⑩ Moody
 - ⑩ Withdrawn
 - ⑩ New emotions
-

“Our” Kids

- ⑩ Broken families
- ⑩ Dysfunctional families
- ⑩ Drug/alcohol abuse in families
- ⑩ Criminal behavior “normal” in their families
- ⑩ Learning disabilities
- ⑩ Mental health issues
- ⑩ Physical and mental abuse victims
- ⑩ Sex abuse victims

Form Your Team

- ⑩ Jefferson County Family Court
 - ⑩ Birmingham City Schools
 - ⑩ Jefferson County District Attorney
 - ⑩ Birmingham Police Department
 - ⑩ NAACP
 - ⑩ Southern Poverty Law Center
 - ⑩ Department of Human Resources
-

Build Consensus

- ⑩ If “Columbine” happens in my jurisdiction, I want the police at the school protecting the children and not at the family court over a school yard fight.
- ⑩ Meet one-on-one with partners.

Solicit media support

- ⑩ Meet with the media at regular intervals.
- ⑩ Foster good relations.
- ⑩ Provide reliable data.
- ⑩ Work with the media on continued messaging.

SUNDAY
The Birmingham News
March 22, 2009 ♦ Our 122nd year \$1.55 home delivery ♦ \$2 newsstand

NEWS EXCLUSIVE
**CITY SCHOOLS
RELY ON
ARRESTS TO
KEEP ORDER**

NEWS STAFF/LINDA STELFER

Birmingham Police Officer Eric Poole patrols the halls at Wenonah High School, where he has been a school resource officer for four years. Poole communicates with teachers and administrators by two-way radio.

Too many incidents turned into criminal charges, officials say
By MARIE LEECH and CAROL ROBINSON
News staff writers

The Birmingham city school system has become a pipeline to the courts. Records show criminal incidents in city schools topped 1,000 last year, and more than half of those students were arrested and taken to family court. Birmingham, with 27,525 students, accounts for about 25 percent of the public school population in Jefferson County, but 82 percent of the arrests that are referred to the Jefferson County Family Court. Court officials say an attempt to restore order and gain control in the Birmingham system has had the opposite effect — criminalizing students, flooding Family Court with cases that once would have been handled in a principal's office, and ceding control of school property to police.

WHAT OFFICIALS SAY
WHEN THE SYSTEM WORKS . . .
In September, a Parker High School student's trust in a school resource officer led officers to an armed man just a half-block from the school. The 18-year-old student confided in the Birmingham police officer that another teen called her cell phone and threatened to kill her, along with her boyfriend, after school. She gave the officer a description of the teen and his SUV. Moments later, school resource officers stopped his car and found a loaded assault-type rifle in plain view.

. . . AND WHEN IT DOESN'T
A 16-year-old boy at Jackson Olin High School was pushed to the ground, sprayed with Mace and handcuffed for yelling a curse word in the hallway.
A 17-year-old boy at Carver High School was sprayed and arrested for being loud and "boisterous."
A 13-year-old boy at Jones Valley K-8 School was arrested for being in the cafeteria after his lunch time, being loud when questioned about his presence there and bumping into the school resource officer as he left the cafeteria.
An 11-year-old boy at Riggins Alternative School was arrested for being at school while on suspension.

Sources: Birmingham Police Department and Jefferson County Family Court

Decide which “offenses” to include.

- ⑩ Affray (fighting/no weapon)
- ⑩ Disorderly conduct
- ⑩ Harassment
- ⑩ Assault 3 (no weapon)
- ⑩ Menacing (no weapon)
- ⑩ Criminal Trespass 3
- ⑩ Theft 3

Decide upon a better way of discipline.

- ⑩ First “offense” – warning/written citation
- ⑩ Second “offense” – Attend “School Offense Workshop (or other diversion)
- ⑩ Referral to court

Upon _____ (Day) _____ (Year) _____ at _____ ☐ a.m. ☐ p.m.
 Name _____ DOB _____ ☐ Male ☐ Female
 Grade _____ Location _____ School _____
 Parent/Guardian _____ Address _____
 Home Phone _____
 Other Phone _____
 Offense _____
 In violation of Code Section _____
 Remarks _____

WARNING: You are hereby warned for the above-cited offense in violation of the laws of the State of Georgia and the code of conduct of the Clayton County Public School System. You are further warned that conduct involving certain focused acts that include fighting, disorderly conduct, obstruction of a police officer (failure to obey the lawful commands of a police officer), and disrupting the school may result in other action that may include attendance by the student and parent in a school conflict education class, mediation, or other program (failure to attend will result in the filing of delinquent charges against the student in the juvenile court) or filing of a complaint in juvenile court if the student has already attended such a program or if the conduct involves a felony or a non-focused misdemeanor act. A copy of this Warning will be sent to your parent, guardian or custodian and kept on file in the school office. You must conduct yourself in a manner required by the code of conduct provided to you and your parent, guardian or custodian and by the laws of the State of Georgia or you will be subject to further action.

☐ **REFERRAL:** You have been cited for the above offense and you and a parent, guardian or custodian will be referred to a program indicated below and sponsored by the Juvenile Court of Clayton County. You are being referred because you have previously been cited for a similar delinquent act and warned or the officer considers your conduct after investigation to constitute an act of "bullying" and immediate action to address your conduct is required. This referral will be sent to your parent, guardian or custodian, the Juvenile Court of Clayton County, and kept on file in the school office. This referral does not constitute a formal complaint to the juvenile court, but will be used by the court to arrange for your attendance at the program as indicated below. Failure to respond to the court or attend the program as instructed will result in formal action brought against the student by the filing of the above-cited offense in the juvenile court.

SCHOOL USE ONLY
Parent notified by:
☐ Phone ☐ In person ☐ Mail
Date of Notice _____

SRO CERTIFICATION: The undersigned has just and reasonable grounds to believe , and does believe, that the student named herein has committed the offense set forth

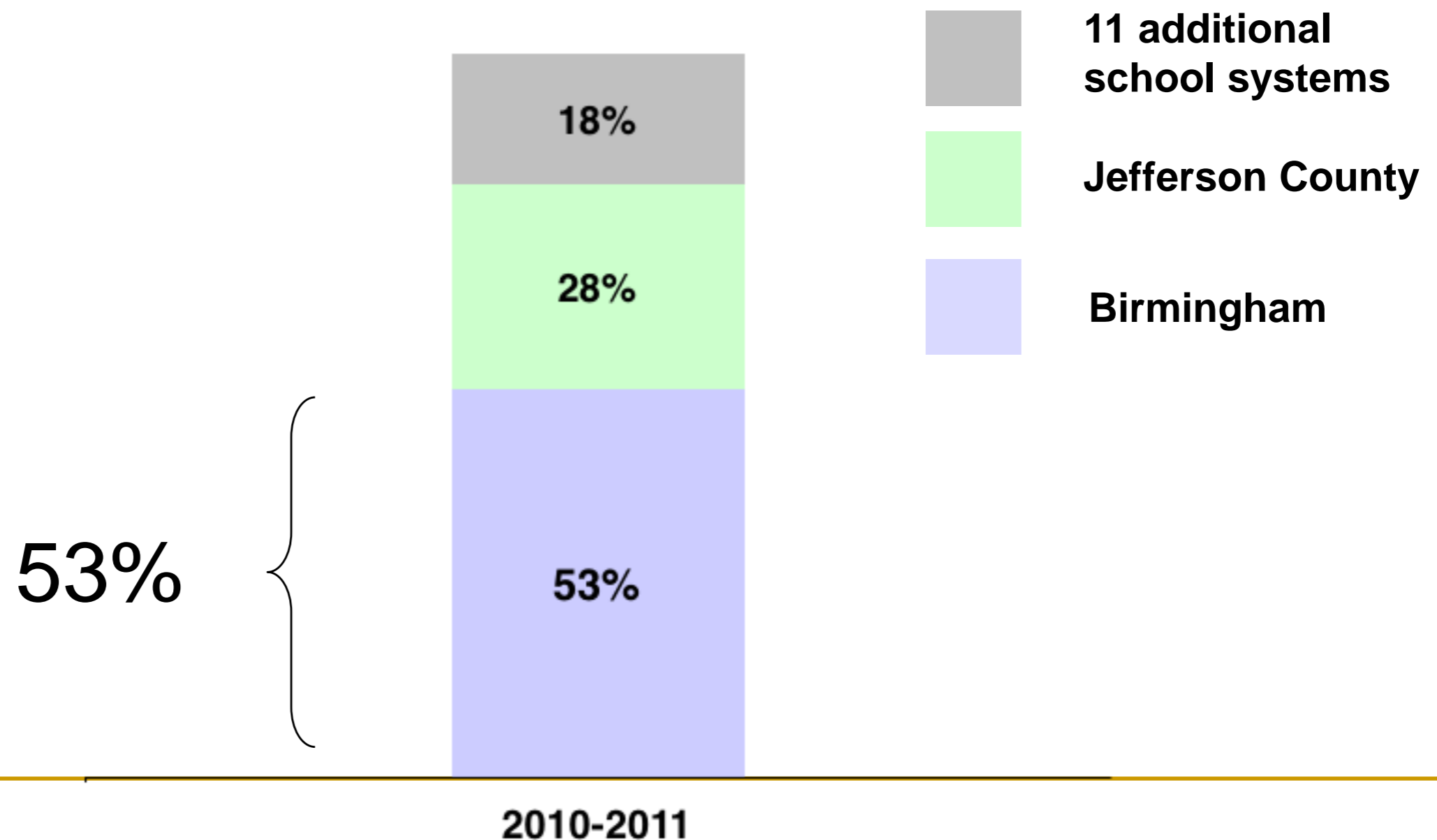
SIGNATURE _____ Badge # _____

Original-SRO yellow-school pink-student Juvenile Court Fax-770-472-8192

Get it in writing!

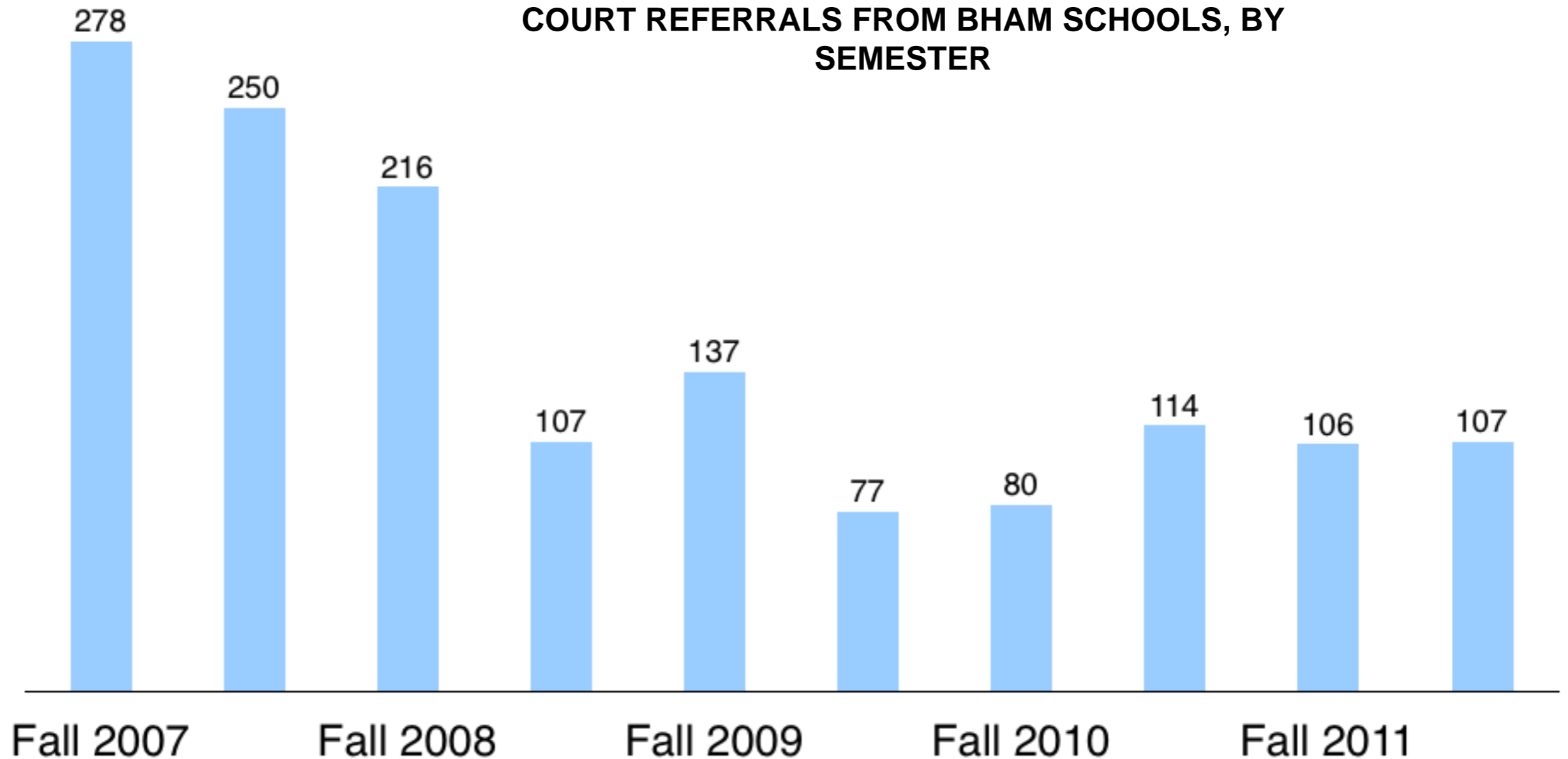
Birmingham educates only 25% of the county's public school students, but now accounts for 53% of school referrals

**SCHOOL REFERRALS TO JEFFERSON COUNTY FAMILY COURT,
2011-2012 SCHOOL YEAR**

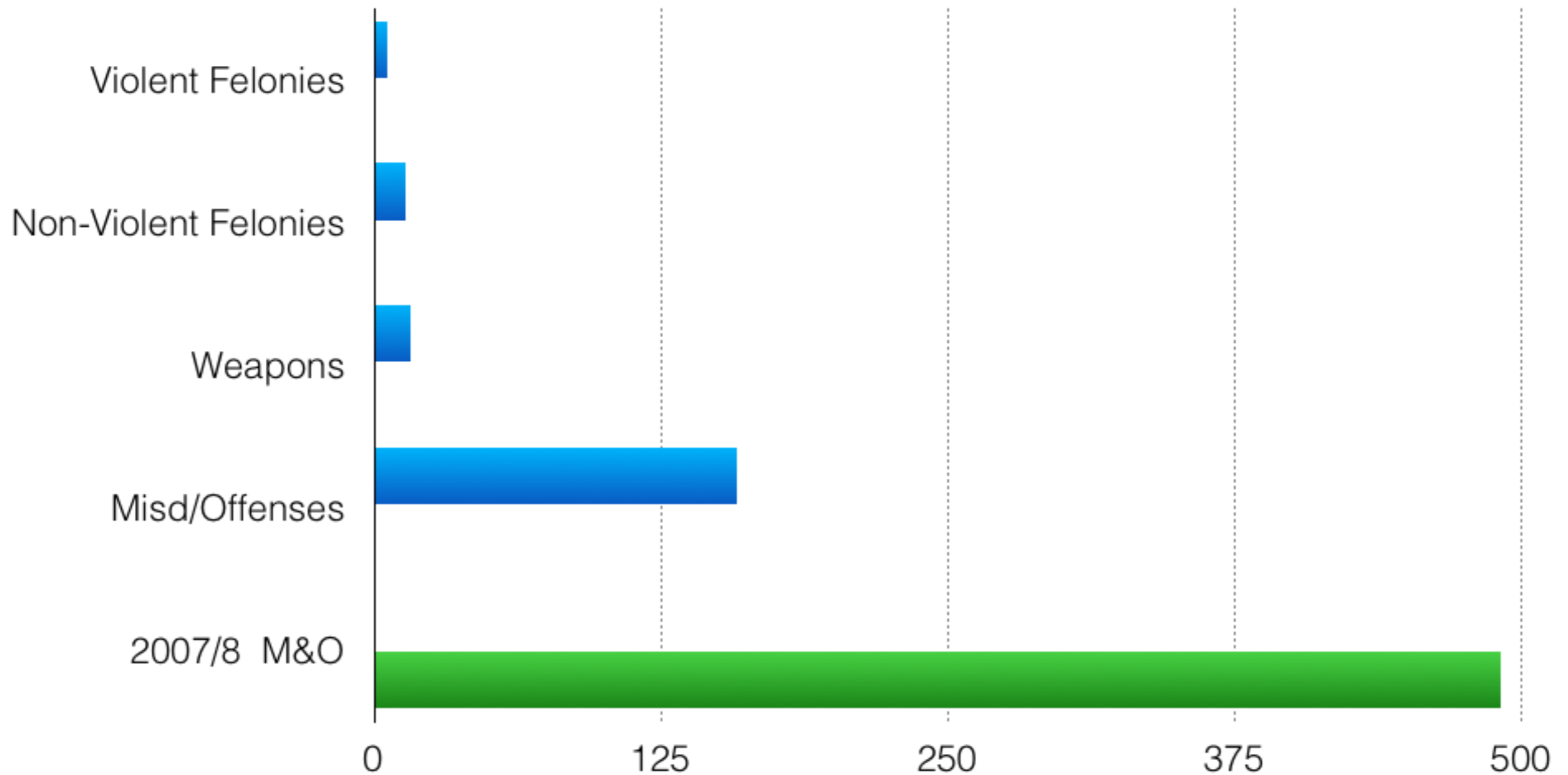


Discussion alone produced a big drop in referrals, but a written document is critical for sustained results.

COURT REFERRALS FROM BHAM SCHOOLS, BY SEMESTER



Birmingham students referred to family court in 2010/11 – by offense



Increase Graduation Rates

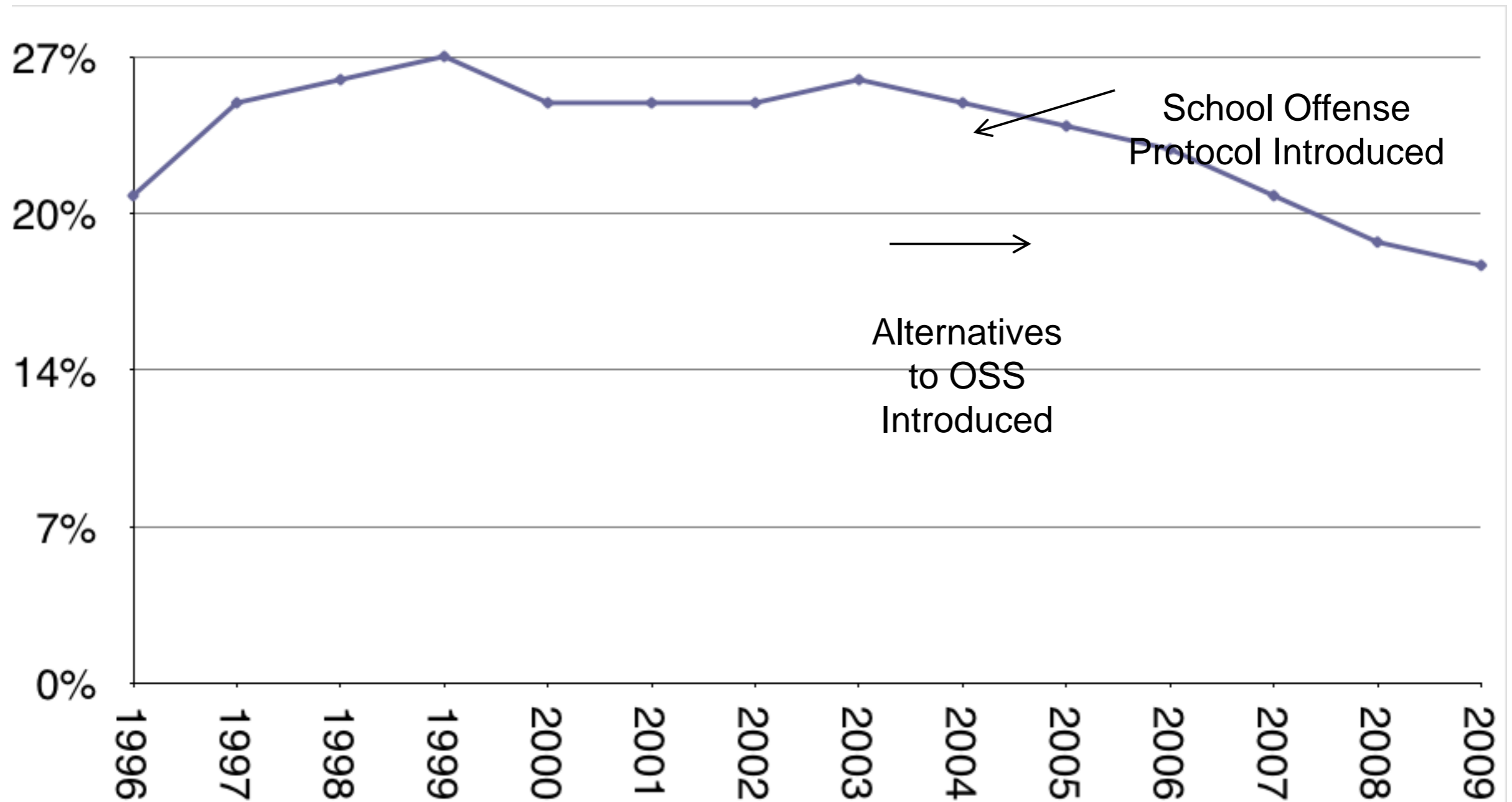
Who would ever think that keeping
kids in school will increase
graduation rates?

Research shows a strong link between court referrals and dropout rates

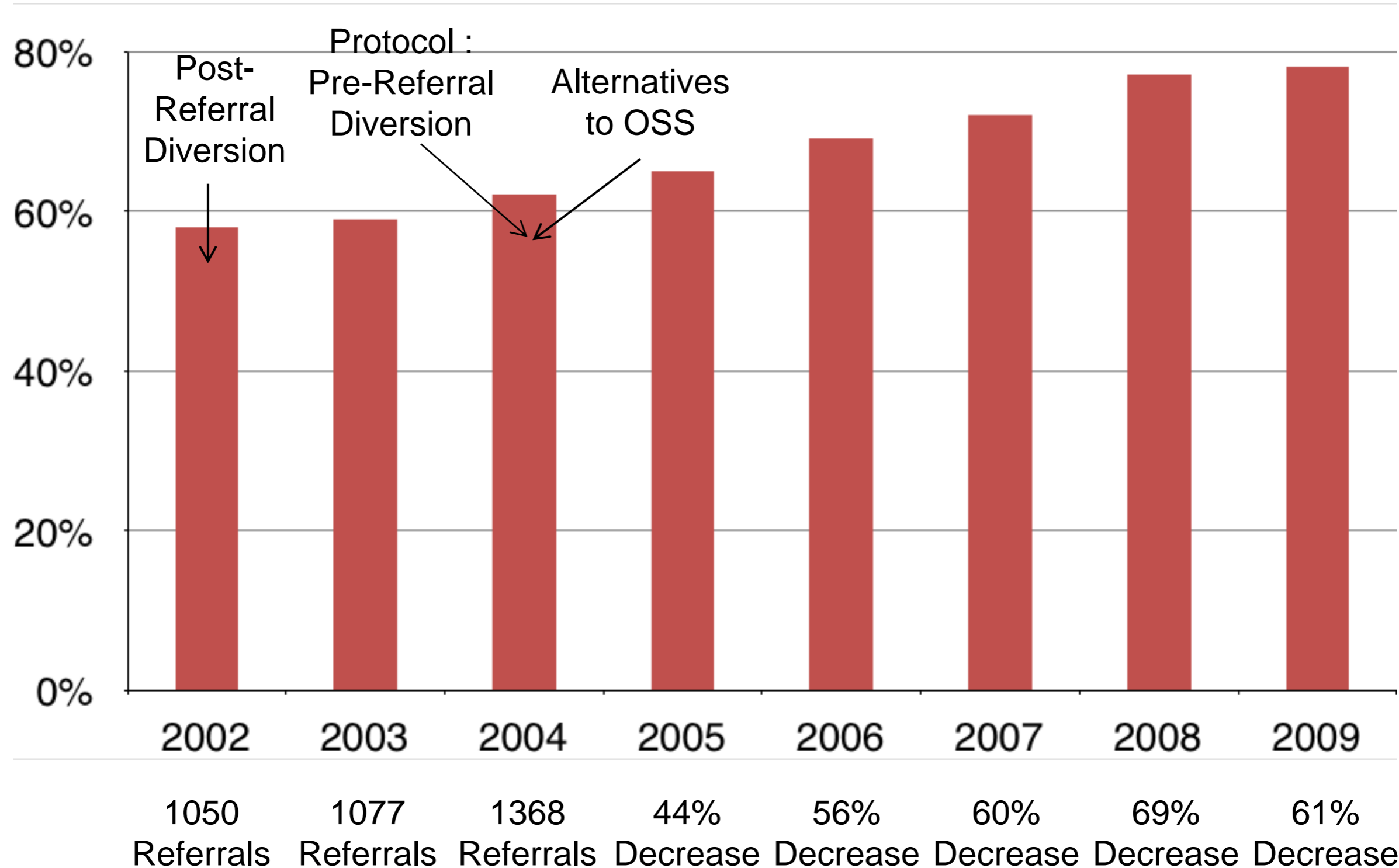
- ⑩ A student arrested in high school is twice as likely to drop out
- ⑩ A student who appears in court during high school is four times as likely to drop out

Sweeten, Gary, Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. 24.4, Justice Quarterly, 462-480 (December 2006).

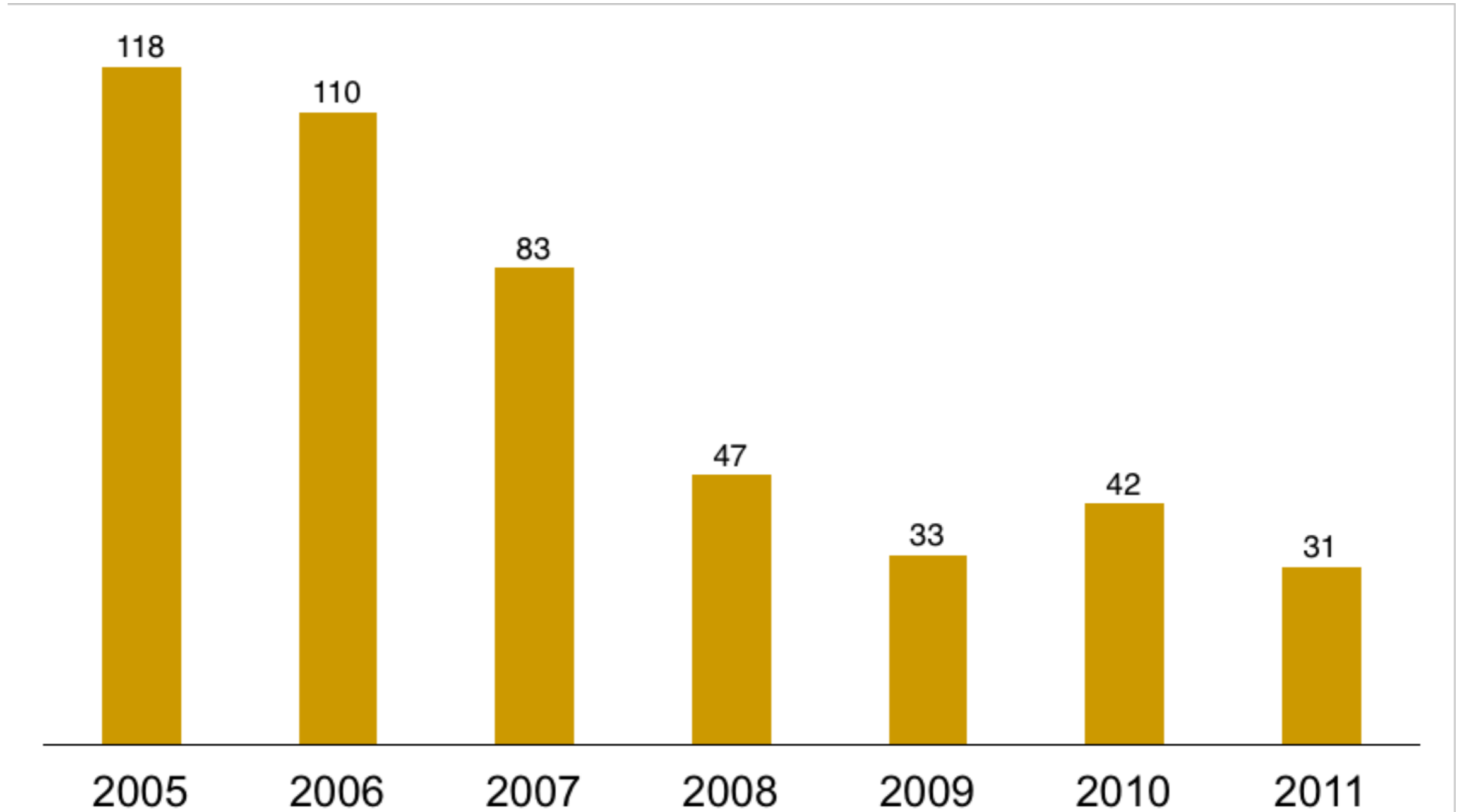
OUT-OF-SCHOOL SUSPENSION MIDDLE SCHOOL IN CLAYTON COUNTY, GA



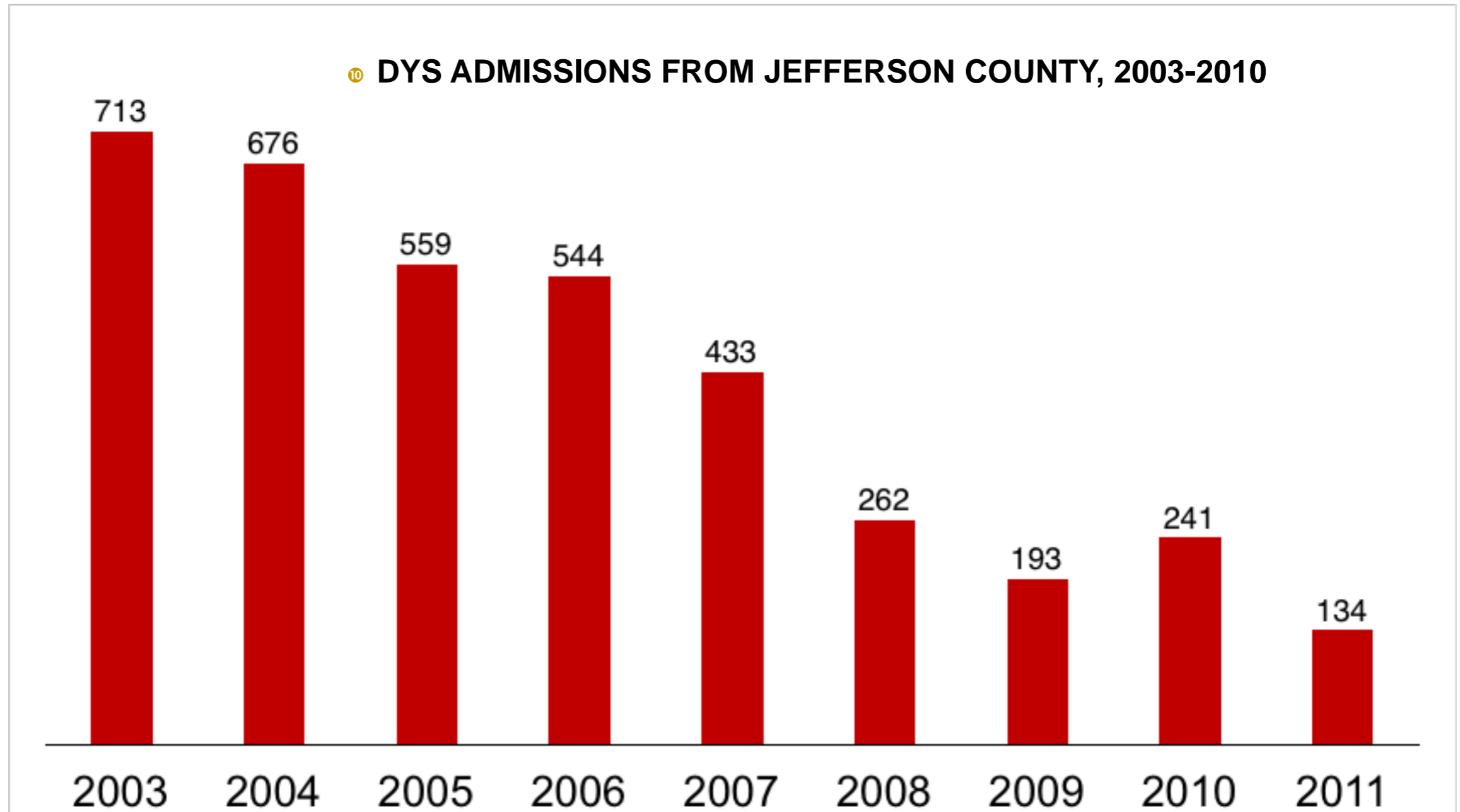
GRADUATION RATES IN CLAYTON COUNTY, GA



The average detention population is down 64% in Jefferson County, Alabama



Commitments to Juvenile Prison are down by 81% in Jefferson County, Alabama



Juvenile Justice Reform is Philosophy

OLD PHILOSOPHY

- ⑩ "savior"
- ⑩ Probation
- ⑩ Supervision
- ⑩ Counseling
- ⑩ Incarceration

NEW PHILOSOPHY

- ⑩ Court as a resource
"identifier"
- ⑩ Court as a referral
source
- ⑩ Court as a Collaborator

Replication Tips: the negotiation process

- ⑩ Knowledge and data = Power
 - ⑩ Be prepared to counter horror stories with data
 - ⑩ Choose reps carefully
 - ⑩ Nodding and smiling is not enough
 - ⑩ Consider engaging an independent facilitator
 - ⑩ Media can be a blessing and a curse
 - ⑩ Set timelines and stick to them
-

It takes more than a meeting to build a collaborative

- ⑩ Raise awareness – share numbers, legal background, research
 - ⑩ Share stories – not just about statistics!
 - ⑩ Listen to your partners and consider their interests and motivations – be flexible with messaging
 - ⑩ Set goals and timelines for the group's work
 - ⑩ Frame the issues carefully and repeat constantly
-

Replication Tips: Implementation

- ⑩ Don't assume the protocol will enforce itself – appoint a watchdog
- ⑩ Be deliberate and explicit about how each leader will get the word out to staff
- ⑩ Training
- ⑩ Back it up with policy – what will the court do if a referral comes in that violates the protocol?
- ⑩ Invite the community/the media to hold the collaborative accountable for results

For more information:

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